

Town Board Minutes
(Municipal Review Committee)

Meeting
No. 41

Special Meeting

December 6, 2004

Town Board Minutes

December 6, 2004

Meeting No. 41

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 6th day of December 2004, at 6:30 PM and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
REBECCA ANDERSON, PLANNING BOARD MEMBER
JOHN GOBER, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
MICHAEL MYSZKA, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ABSENT: MARK MONTOUR, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for one (1) action.

THE FOLLOWING RESOLUTION WAS OFFERED BY
PLANNING BOARD CHAIRMAN KEYSA, WHO
MOVED ITS ADOPTION, SECONDED BY
PLANNING BOARD MEMBER GOBER, TO WIT:

WHEREAS, the Municipal Review Committee (MRC) has set a time period for comments on the Final Environmental Impact Statement (FEIS) which was accepted as complete as submitted by Marrano Marc Equity the developer for the proposed Pleasant Meadows Subdivision located on the north side of Walden Avenue, south of Pleasant View Drive between Central Avenue and Stony Road by resolution dated November 1, 2004, the time to make comments to run to November 29, 2004, and

WHEREAS, the New York State Department of Transportation (NYSDOT) has apprised the Town Attorney that they are unable to submit comments on the FEIS by that date and have requested a two week extension which would run then to December 13, 2004, and

WHEREAS, the MRC has given due review and consideration to the request by NYSDOT and deems it in the public interest to hold the comment period open on the FEIS for the development of Pleasant Meadows until December 13, 2004;

NOW, THEREFORE, BE IT

RESOLVED, that the Municipal Review Committee of the Town of Lancaster extends the comment period on the FEIS for Pleasant Meadows development from November 29, 2004 to December 13, 2004 at 12 P.M.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

December 6, 2004

File: rpleasantmeadowsfeisacceptanceextension1204

ADJOURNMENT:

ON MOTION OF PLANNING BOARD MEMBER SOCHA AND
SECONDED BY PLANNING BOARD MEMBER KORZENIEWSKI FOR
ADJOURNMENT OF THE MEETING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 6:39 P.M.

Signed


Johanna M. Coleman, Town Clerk

Town Board Minutes

**Meeting
No. 42**

Regular Meeting

December 6, 2004

Town Board Minutes

December 6, 2004

Meeting No. 42

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 6th day of December at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
CHRISTINE FUSCO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF

EXECUTIVE SESSION:

UPON MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER MONTOUR, to deliberate in Executive Session for the announced purpose of discussing pending litigation and contract negotiations which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

At 10:30 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Chowanice, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Comments and questions regarding Columbia Gardens Subdivision.
- Comments regarding Pleasant Meadows Subdivision.

Davis, Jeff, 218 Calumet Street, spoke to the Town Board on the following matter:

- Comments about Columbia Gardens Subdivision.

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matter:

- Comments about Columbia Gardens Subdivision in regards to public improvements: roads, detention basin, inspection of public improvements.

Morgan, Timothy, representing Forbes Homes responded to comments regarding Columbia Gardens Subdivision.

Tuyn, William, representing Greenman-Pederson Engineering responded to comments regarding Columbia Gardens Subdivision.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:33 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed Local Law for the Year 2004, which local law repeals in its entirety Section 20-5 (C) entitled "Fees." of Chapter 20, "Fire Prevention Code" of the Town of Lancaster and enacts in place thereof a new Section 20-5(C) of the Code of the Town of Lancaster.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Lee Chowaniec	93 Northwood Drive	Proponent
Jeff Davis	218 Calumet Street	Proponent
Bill Tuyn	4959 Genesee Street	Proponent
Jim Brett	659 Harris Hill Road	Questions

ON MOTION BY COUNCIL MEMBER MONTOUR, AND SECONDED BY COUNCIL MEMBER AMATURA, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:39 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

December 6, 2004

PUBLIC HEARING SCHEDULED FOR 8:35 P.M.:

At 8:39 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed Local Law of the Year 2004 Entitled "Aerial Maps - Site Plans and Rezone Applications" which Local Law adds Section 50-42 (B)(1)(d)(2) and Section 50-43 (B)(4)(b) to chapter 50, "Zoning", Article VIII of the Code of the Town of Lancaster.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/
NONE		

ON MOTION BY COUNCIL MEMBER RUFFINO, AND SECONDED BY COUNCIL MEMBER AMATURA, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:43 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.
December 6, 2004

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Planning Board and the Town Board held November 16, 2004 and the Regular Meeting of the Town Board held November 16, 2004 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, it is the desire of the Town of Lancaster to renew the Agreement heretofore entered into by the Town of Lancaster and the Depew-Lancaster Boys' and Girls' Club, Inc., for the operation of a Junior Citizens Club at the Lancaster Branch of the said Boys' and Girls' Club, Inc., which expires according to its terms on December 31, 2004, and

WHEREAS, the said Depew-Lancaster Boys' and Girls' Club, Inc., has submitted and filed its 2005 Budget for the operation of said Junior Citizens Club.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute said Agreement on behalf of the Town of Lancaster, which have been drawn and approved by the Town Attorney.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, it is the desire of the Town of Lancaster to renew the Agreement heretofore entered into by the Town of Lancaster and the Depew-Lancaster Boys' and Girls' Club, Inc., for the operation of a Junior Citizens Club at the Depew Branch of the said Boys' and Girls' Club, Inc., which expires according to its terms on December 31, 2004, and

WHEREAS, the said Depew-Lancaster Boys' and Girls' Club, Inc., has submitted and filed its 2005 Budget for the operation of said Junior Citizens Club;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute said Agreement on behalf of the Town of Lancaster, which have been drawn and approved by the Town Attorney.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc. has apprised the Town Board that it is in the process of refinancing its current mortgage on its Station No. 1 at 36 Main Street, Bowmansville, New York , and

WHEREAS, the said Fire Association is under contract with the Town of Lancaster to provide firematic services and as a consequence of this contract the Fire Association is considered a political subdivision of the Town and is able to issue tax exempt bonds under the Internal Revenue Code after the Town Board has approved the borrowing, and

WHEREAS, there is a requirement for the appointment of a hearing officer from the Fire Association who will then hold a public hearing regarding the borrowing;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to appoint Richard L. Reese, Junior, President of the Bowmansville Volunteer Fire Association, Inc. as the hearing officer and for the Association to hold a public hearing at its fire house at 36 Main Street, Bowmansville, New York on December 23, 2004 at 7:00 P.M. for its borrowing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

file: rbowmansvillevolunteerfireassocrefinancing1204

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the New York State Department of Transportation (NYSDOT) has negotiated a Mitigation Agreement for the Kohl's Department Store located at 4835 Transit Road in the Town of Lancaster regarding road and signalization improvements to be undertaken by Kohl's along the Transit Road corridor, and

WHEREAS, the Town is included as a party to the mitigation agreement as it relates to traffic mitigation which was addressed by the Town in its SEQR review, and

WHEREAS, the Town Board has considered the proposed mitigation which was reviewed by the Town Attorney on behalf of the Town of Lancaster and now deems it in the public interest to adopt same;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Phased Mitigation Agreement between the Town of Lancaster, Kohl's and NYSDOT which will mitigate traffic impacts resulting from the development of the Kohl's store and authorizes the Supervisor to execute said Mitigation Agreement for the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, it is essential to public safety that the Town of Lancaster continue its participation in the coordinated effort to reduce alcohol related traffic injuries and fatalities, and

WHEREAS, the County of Erie has tendered an application to the Town of Lancaster for participation in said coordinated effort for the year 2004.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute on behalf of the Town of Lancaster, the 2004 Application with the County of Erie for participation in funding of alcohol related traffic safety law enforcement activities under the 2004 STOP-DWI Grant Program.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

File: rstopdwi2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated
November 8, 2004, has requested the addition of additional members to the membership roster
of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms
the addition to the membership of the Town Line Volunteer Fire Department the following
individuals:

ADDITIONS:

Jacob Ismert
6495 Broadway
Lancaster, New York 14086

Peter John Skowron
1320 Savage Road
Alden, New York 14004

Jason Michael Siwik
2 Peachtree Court
Lancaster, New York 14096

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

File: RFIRE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., by letter dated November 8, 2004 has requested the addition of members to the membership roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the following additions to the membership of the Bowmansville Volunteer Fire Association:

ADDITION - Resident Probationary Active Member:

Mark J. Lawniczak
61 Heritage Drive
Lancaster, New York 14086

ADDITION - Non Resident Probationary Active Member

Eric K. Offhaus
91 Terrell Street
Depew, New York 14043

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

File: RFIRE (12)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

WHEREAS, Section 113 of the Town Law authorizes the transfer of fund balance between operating funds with the same tax base, and

WHEREAS, the Town Board has determined that it is in the public interest that a portion of the unappropriated unreserved fund balance of the General Fund - Town Outside Villages, as shown in the Town of Lancaster's Comprehensive Annual Financial Report for the Fiscal Year Ended December 31, 2003, be transferred to the fund balance of the Highway Fund - Town Outside Villages

NOW, THEREFORE, BE IT

RESOLVED that pursuant to Section 113 of the Town Law, the Town Board of the Town of Lancaster hereby authorizes the transfer of \$225,000 from the unappropriated unreserved fund balance of the General Fund - Town Outside Villages to the unappropriated unreserved fund balance of the Highway Fund - Town Outside Villages, and

BE IF FURTHER

RESOLVED that the Director of Administration and Finance be and is hereby directed to effect said transfer in the accounts of the Town of Lancaster upon adoption of this resolution and prior to the close of business on December 31, 2004, and

BE IT FURTHER

RESOLVED that the following amendments to the 2004 Adopted Budget of the Town of Lancaster be and are hereby approved relative to this transaction:

	Increase/ (Decrease)
General Fund - Town Outside Villages	
B599 Appropriated Fund Balance	225,000
B960 Budget Appropriations	225,000
B9901.903 Inter-fund Transfers out to Highway Fund - TOV	225,000
Highway Fund - Town Outside Villages	
DB599 Appropriated Fund Balance	(225,000)
DB510 Estimated Revenues	225,000
DB5032 Inter-fund Transfers In from General Fund - TOV	225,000

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Greg Zygaj & Marietta Cimato Zygaj, 8300 Greiner Road, Williamsville, New York 14221, the owner of a parcel of land located on 5692 Broadway, Lancaster, New York has petitioned the Town Board of the Town of Lancaster for the rezone of said property from a Residential District 2 (R-2) to a Multi-Family District Three (MFR-3), and

WHEREAS, the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 20th day of December, 2004 at 8:30 o'clock P.M., Local Time, and that Notice of the Time and Place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town on December 9, 2004 and be posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER GIZA	VOTED YES

December 6, 2004

**LEGAL NOTICE
PUBLIC HEARING
GREG ZYGAJ & MARIETTA CIMATO ZYGAJ
5692 BROADWAY
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on December 6, 2004, the said Town Board will hold a Public Hearing on the 20th day of December, 2004 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from and Residential District Two (R-2) to a Multi-Family District Three (MFR-3):

ALL THAT CERTAIN TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being Part of Lot No. 7, Section 7, Township 11, Range 6.

BEGINNING at a point at the intersection of the southeast corner of Liber 1548, Page 605 and the centerline of Broadway; running

THENCE easterly along the centerline of Broadway 65.00' to a point;

THENCE northerly at an angle of 88 degree 50' and along a line parallel to the east line of Robinson, Liber 1548, Page 605, 640.08 feet to a point;

THENCE westerly along a line parallel to the centerline of Broadway, 65.00 feet to a point;

THENCE northerly, along a line parallel to the east line of G.W. Davis, Liber 1203, Page 614, 205.42 feet to a point;

THENCE westerly along a line parallel to the centerline of Broadway, 100.00 feet to a point;

THENCE southerly 588.46 feet along the east line of G.W. Davis, Liber 1203, Page 614 to a point;

THENCE easterly, along a line parallel to the centerline of Broadway, 80.00 feet to a point;

THENCE southerly 257.04 feet, along a line parallel to Liber 1203, Page 614 to the point or place of beginning.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: JOHANNA M. COLEMAN
Town Clerk

December 6, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, SOUTHEAST COMMUNITY WORK CENTER, INC., offers a program for retarded adults in the communities of Lancaster, Alden, Marilla, Elma, East Aurora, Aurora and Wales, and

WHEREAS, this program consists of development, pre-vocational and work activities training program for those individuals in the range of mild to severe retardation, and

WHEREAS, the Center is presently located at 181 Lincoln Street, Depew, New York and its services in the area of evaluation, tutoring, development of self-help skills, personal adjustment training, recreation and counseling would be of substantial benefit to residents of the Town of Lancaster, and

WHEREAS, SOUTHEAST COMMUNITY WORK CENTER, INC., by letter dated November 22, 2004 has offered to contract with the Town of Lancaster for the aforementioned services during the year 2005 for the total sum of Three Thousand Dollars (\$3,000);

**NOW, THEREFORE, BE IT
RESOLVED,** as follows:

1. That the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute an Agreement with Southeast Community Work Center, Inc., for a program for retarded adults residing in the Town of Lancaster for developmental, pre-vocational and work activities training program for those individuals in the range of mild to severe retardation, and evaluation, tutoring and development of self-help skills, personal adjustment training, recreation and counseling, and
2. That the sum of Three Thousand Dollars (\$3,000) be paid in four equal quarterly payments: January 1st, April 1st, July 1st, and October 1st, 2005.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

File: rsoutheastcommworkcenter2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Forbes Homes, Inc., 2635 Millersport Highway, Getzville, New York 14068 has heretofore applied for approval of a single family residential subdivision to be known as "Columbia Gardens" located north of Columbia Avenue and South of Kennedy Court in the Town of Lancaster, and

WHEREAS, the Planning Board and Town Engineer have given their approval to the filing of this Subdivision, and

WHEREAS, the Town acting as lead agency has completed an environmental review in conformance with SEQR (State Environmental Quality Review) regulations, and

WHEREAS, the Town Board of the Town of Lancaster has duly reviewed and considered the proposed subdivision;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby approves the proposed single family residential subdivision as prepared by Pratt & Huth Associates, LLP dated November 18, 2004 and filed with the Town Clerk on November 19, 2004 for the subdivision to be known as "Columbia Gardens" for filing in the Erie County Clerk's office.

2. That the Town Clerk be and is hereby directed to properly endorse the approval of the Town Board of the Town of Lancaster on the linen copy thereof upon the developer submitting the revised plans required for the storm sewer P.I.P. No. 596 and the Town Engineer certifying that the plans are in compliance with the conditions set out in the resolution approving the public improvements.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

File: rcolumbiagardensfinalplatapproval1204

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, Forbes Homes, Inc., 2635 Millersport Hwy, Getzville, New York , has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within the proposed Columbia Gardens Subdivision, and

WHEREAS, the Town Engineer of the Town of Lancaster has reviewed the following permit applications and improvement plans for the installation of the public improvements requested, and determined that P.I.P. No. 594 (Pavement & Curbs), P.I.P. No. 595 (Detention Basins) and No. 597 (Water Line) conform to the specifications and ordinances of the Town, and

WHEREAS, the Town Board has determined that P.I.P. No. 596 (Storm Sewers) is not in conformance with Town specifications and must be revised to provide for backyard and sideyard drainage including piping, rear yard receivers and light duty catch basins for all sublots on which there is a public drainage easement including the subplot on which a model has been constructed on the corner of Columbia Avenue and Kennedy Court,

NOW, THEREFORE, BE IT

RESOLVED, that the Public Improvement Permit Applications Nos. 594, 595, 596 and 597 of Forbes Homes, Inc., 2635 Millersport Hwy, Getzville, New York, for the installation of certain public improvements as hereinafter set forth are conditionally approved upon the developer meeting the following conditions:

- 1) The developer to submit revised plans for the public improvements involving P.I.P. No. 596 (storm sewer) to comply with Town specifications for backyard and sideyard drainage areas on all sublots in the subdivision on which there is a public drainage easement and including the model home on the corner of Columbia Avenue and Kennedy Court.
- 2) That the Town Engineer cause a new P.I.P. application to be prepared and signed with appropriate revision for the cost of this public improvement.
- 3) That the Town Engineer certify that the plans for P.I.P. No. 596 are in compliance therewith.

The Public Improvement Permit Applications being so conditionally approved are as follows:

P.I.P. No. 594
(Pavement & Curbs)

Construction of 791 LF of asphalt roadway.
The cross section of the roadway is 28' wide and includes 8" of 2" ROC sub-base, 4" of type 1 base, 2" of type 2 binder, 1" of type 7F TOP, 8"x20" type "BB" curb and 1600 LF of 6" underdrain in Columbia Gardens Subdivision.

P.I.P. No. 595
(Detention Basin)

Construction of Lancaster portion of a two
(2) acre detention pond. This portion is approximately
57,000 s.f. in Columbia Gardens Subdivision.

P.I.P. No.596
(Storm Sewer)

Construction of the necessary LF of 12"
RCP, the necessary LF of 12" HDPE, the necessary LF of
30" HDPE, the necessary LF of 8" SDR-35, the necessary
24" square road receivers, the necessary sediment
chambers, the necessary rear yard receivers, and the
necessary light duty catch basins, and the necessary LF of
6" RCP all to provide for storm sewer drainage including
all appurtenances and piping to meet the specifications
for backyard and sideyard drainage areas on all sublots in
the subdivision on which there is public drainage
easement to include the model home on the corner of
Columbia Avenue and Kennedy Court.

P.I.P. No. 597
(Water Line)

Construction of 755 LF of 8" C-900 PVC
water line, 40 LF of 8" DIP water line, two (2) 6" fire
hydrants, one (1) 8" gate valve, one (1) tap of existing 8"
water main on Columbia Avenue in Columbia Gardens
Subdivision.

be and are hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll
call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

File: RPIP (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has set a time period for comments on the Final Environmental Impact Statement (FEIS) which was accepted as complete as submitted by Marrano Marc Equity the developer for the proposed Pleasant Meadows Subdivision located on the north side of Walden Avenue, south of Pleasant View Drive between Central Avenue and Stony Road by resolution dated November 1, 2004, the time to make comments to run to November 29, 2004, and

WHEREAS, the New York State Department of Transportation (NYSDOT) has apprised the Town Attorney that they are unable to submit comments on the FEIS by that date and have requested a two week extension which would run then to December 13, 2004, and

WHEREAS, the Town Board of the Town of Lancaster has given due review and consideration to the request by NYSDOT and deems it in the public interest to hold the comment period open on the FEIS for the development of Pleasant Meadows until December 13, 2004;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster extends the comment period on the FEIS for Pleasant Meadows development from November 29, 2004 to December 13, 2004 at 12 P.M.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter dated November 30, 2004, has requested the addition of an additional member to the membership roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Twin District Volunteer Fire Company the following individual:

ADDITION:

James Kowalski
20 Lancaster Avenue
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

File: RFIRE (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board has previously duly advertised for bids for the purchase of MIRACLE RECREATION EQUIPMENT three part playground unit, play equipment designed in three components ages 2 to 5, 5 to 12 and one swing set unit for the replacement of playground equipment at Keysa Park, and

WHEREAS, bids were received, opened and reviewed on November 18, 2004, and

WHEREAS, after detailed review of all bids received General Crew Chief Terrance McCracken by letter dated November 30, 2004 has recommended an award to Miracle Recreation Equipment Company, P.O. Box 15517, Syracuse, New York 13215 in the amount of \$30,192, said bidder being the lowest responsible bidder in conformance with the bid specification;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby awards the bid for the purchase of MIRACLE RECREATION EQUIPMENT three part playground unit, play equipment designed in three components ages 2 to 5, 5 to 12 and one swing set unit for the replacement of playground equipment at Keysa Park to Miracle Recreation Equipment Company, P.O. Box 15517, Syracuse, New York 13215 in the amount of \$30,192 being the lowest responsible bidder in conformance with the specifications on file in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

File: recdeptmiraclerecreationequipment104a

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONT'OUR, TO WIT:

WHEREAS, AJ's Auto Wrecking has submitted a Site Plan prepared by Thomas H. Shelberg, Architect, dated November 10, 2004 and received November 17, 2004 for the construction of a 45' x 60' addition to an existing business on its property located at 955 Ransom Road in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting December 1, 2004 has recommended approval of this project, and

WHEREAS, this project has been reviewed for SEQR purposes and it has been determined to be a Type II Action and as such no further SEQR review is necessary;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by AJ's Auto Wrecking prepared by Thomas H. Shelberg, Architect, dated November 10, 2004 and received November 17, 2004 for the construction of a 45' x 60' addition to an existing business on its property located at 955 Ransom Road in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONT'OUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTAUR. TO WIT:

WHEREAS, Southwestern Bell Mobile Systems LLC, d/b/a Cingular Wireless has advised the Town that it desires to assign its interest in a ground lease between the Town of Lancaster and Cingular Wireless to National Grid Communications, Inc. for the communication tower located at Penora Street in the Town of Lancaster, said ground lease agreement being dated the 24th day of September, 2004, and

WHEREAS, the terms of the lease would not change by this assignment as National Grid Communications, Inc. will be obligated as the assignee of the Cingular Wireless interest in the lease to comply with all terms and conditions of said ground lease agreement including the obligation to pay a monetary rental amount due under the lease to the Town of Lancaster as set forth in the ground lease agreement, and

WHEREAS, the Town Board has reviewed the request made by Cingular Wireless and determined that there will be no change in the underlying ground lease agreement and for that reason does not oppose the assignment of the lease with the proviso that the assignee, National Grid Communications, Inc., must acknowledge in writing that it: (1) understands that any future assignment of the ground lease agreement must be approved by the Town Board of the Town of Lancaster, and (2) that the said assignee, National Grid Communications, Inc., understands that in the event that National Grid Communications Inc. should desire to rent space on the tower to a co-locator that a written agreement is first reached between a co-locator and the Town of Lancaster regarding the payment of additional ground lease rent by said co-locator directly to the Town, and (3) that National Grid Communications, Inc. will agree to indemnify the Town with respect to any default in rent payment by said co-locator on the communications tower;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the assignment of the interest of Southwestern Bell Mobile Systems LLC, d/b/a Cingular Wireless in the ground lease agreement executed between the Town and Cingular Wireless on the 24th day of September, 2004 upon the following conditions:

- (1) That the assignee, National Grid Communications, Inc., must acknowledge in writing that it understands that any future assignment of the ground lease agreement must be approved by the Town Board of the Town of Lancaster, and

(2) That National Grid Communications, Inc., acknowledge in writing that in the event that a co-location use of the existing tower is planned that National Grid Communications, Inc. will first notify the Town and further that the co-location cannot occur until the proposed co-locator has entered into a written agreement signed by the Town regarding the payment of additional ground lease rent by said co-locator directly to the Town, and

(3) That National Grid Communications, Inc. agrees to indemnify the Town with respect to any default in rent payment by said co-locator on the communications tower;

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

File: rnationalgridpenorastcommunicationtower1204

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, a proposed Local Law of the Year 2004 entitled "Aerial Photo Maps - Site Plans and Rezone Applications" which will amend the Code of the Town of Lancaster by adding Section 50-42 (B) (1) (d) (2) and Section 50-43 (B) (4) (b) to Chapter 50 "Zoning" Article VIII, was introduced to the Town Board of the Town of Lancaster on the 16th day of November, 2004, and

WHEREAS, a Public Hearing was duly called and held pursuant to law on December 6, 2004;

NOW, THEREFORE, BE IT

ENACTED, by the Town Board of the Town of Lancaster, Local Law No. 5 of the Year 2004, entitled "Aerial Photo Maps - Site Plans and Rezone Applications" which will amend the Code of the Town of Lancaster by adding Section 50-42 (B) (1) (d) (2) and Section 50-43 (B) (4) (b) to Chapter 50 "Zoning" Article VIII, which reads as follows:

Chapter 50

ZONING

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

Section 50-42. Amendment Procedure.

And

Section 50-43. Site Plan Review.

**Local Law No. 5
Of the Year 2004**

A LOCAL LAW ENTITLED "AERIAL PHOTO MAPS - SITE PLANS AND REZONE APPLICATIONS" TO AMEND THE CODE OF THE TOWN OF LANCASTER BY ADDING SECTION 50-42 (B) (1) (d) (2) AND SECTION 50-43 (B) (4) (b) TO CHAPTER 50 "ZONING", ARTICLE VIII OF THE TOWN CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED, by the Town Board of the Town of Lancaster, as follows:

The Code of the Town of Lancaster is hereby amended by enacting Local Law No. 5 of the Year 2004 entitled "Aerial Photo Maps - Site Plans and Rezone Applications ", which adds Section 50-42 (B) (1) (d) (2) and Section 50-43 (B) (4) (b) to Chapter 50 "Zoning", Article VIII of the Town Code, and which reads as follows:

§50-42. Amendment procedure.

B.

(1) Documents.

(d)

(2) An aerial photo map of the site to include an area within 3,000 feet of the proposed boundaries of the site being considered for rezone.

And

§50-43. Site plan review.

B. Site plan required information.

(4)

(a)

(b) An aerial photo map of the site to include an area within 3,000 feet of the proposed boundaries of the site being considered for site plan.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk of the Town of Lancaster shall:

1. Immediately post a copy of Local Law No. 5 of the Year 2004 on the Town Bulletin Board.
2. Within ten (10) days publish a certified copy of the Local Law abstract thereof describing the same in general terms in the Lancaster Bee, declared the official newspaper for this publication.
3. Maintain a file in the Town Clerk's office on Local Law No. 5 of the Year 2004, with all the proofs of publication and posting required for adoption.
4. File certified copies of Local Law No. 5 of the Year 2004 within ten (10) days of adoption with:
 - a) Town Clerk's office
 - b0 One (1) copy with the office of the Secretary of State

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 5 OF THE YEAR 2004
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on December 6, 2004, Local Law No. 5 of the Year 2004, entitled "Aerial Photo Maps - Site Plans and Rezone Applications" which adds Section 50-42 (B) (1) (d) (2) and Section 50-43 (B) (4) (h) to Chapter 50 "Zoning" Article VIII of the Code of the said Town, briefly described as follows:

**"A LOCAL LAW TO REQUIRE AN AERIAL PHOTO MAP BE SUBMITTED TO THE
BUILDING INSPECTOR ON THE SITE TO INCLUDE ANY AREAS WITHIN 3,000
FEET OF THE PROPOSED BOUNDARIES OF THE SITE BEING CONSIDERED FOR
REZONE OR SITE PLAN."**

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

December 6, 2004

File: rlocallawzoningaerialmaps1104a

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Board has previously duly advertised for bids for one (1) 40' tower clock with carillon for placement in Westwood Park, two (2) street clocks with placement in the Village of Lancaster and the Village of Depew and one carillon for the Town Hall Clock Tower, and

WHEREAS, federal grant monies are being provided from Housing and Urban Development (HUD) through their Economic Development Initiative Program (EDI) in the sum of \$149,115, and

WHEREAS, bids were received, opened and reviewed on August 31, 2004, and

WHEREAS, the Town Engineer by letter dated December 1, 2004, has recommended award of the bid to VERDIN COMPANY being the lowest responsible bidder in the amount of \$144,620;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby awards the Bid for one (1) 40' tower clock with carillon for placement in Westwood Park, two (2) street clocks with placement in the Village of Lancaster and the Village of Depew and one carillon for the Town Hall Clock Tower, to VERDIN COMPANY, 444 Reading Road, Cincinnati, Ohio 45202 in the amount of \$144,620 being the lowest responsible bidder in conformance with the specifications on file in the office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

File: rclockgrant1204

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, a proposed Local Law of the Year 2004 entitled "FEES" repealing and deleting Section 20-5 (C) of Chapter 20, "Fire Prevention and Building Code" of the Code of the Town of Lancaster, and enacting in place thereof a new Section 20-5 (C), was introduced to the Town Board of the Town of Lancaster on the 16th day of November, 2004, and

WHEREAS, a Public Hearing was duly called and held pursuant to law on December 6, 2004;

NOW, THEREFORE, BE IT

ENACTED by the Town Board of the Town of Lancaster, Local Law No. 6 of the Year 2004, entitled "FEES" repealing and deleting Section 20-5 (C) of Chapter 20, "Fire Prevention and Building Code" of the Code of the Town of Lancaster and enacting in place thereof a new Section 20-5 (C) which reads as follows:

CHAPTER 20
FIRE PREVENTION AND BUILDING CODE
SECTION 20-5 (C)
LOCAL LAW NO. 6
OF THE YEAR 2004

A LOCAL LAW ENTITLED "FEES" TO AMEND THE TOWN CODE OF THE TOWN OF LANCASTER, BY REPEALING AND DELETING SECTION 20-5 (C) OF CHAPTER 20, "FIRE PREVENTION AND BUILDING CODE" AND ENACTING IN PLACE THEREOF A NEW SECTION 20-5 (C).

BE IT ENACTED by the Town Board of the Town of Lancaster, as follows:

The Code of the Town of Lancaster is hereby amended by repealing Section 20-5 (C) entitled "Fees" of Chapter 20, "Fire Prevention and Building Code", and enacting in place thereof by a Local Law No. 6 of the Year 2004 the following:

§20.5 (C) **(1) Fees.** The fee schedule shall hereinafter be applied to the inspection of each separate business, commercial or industrial use within a structure or building. These fees are due and payable upon the completion of the annual inspection and shall include one re-inspection if necessary.

<u>SQUARE FOOTAGE</u>	<u>FEE</u>
Up to 10,000	\$50
10,000 to 19,999	\$75
20,000 to 29,999	\$100
30,000 to 39,999	\$200
40,000 to 49,999	\$300
50,000 plus	\$400

(2) Reinspection fee. In the event that the Fire Inspector must undertake any re-inspection after a followup inspection to determine compliance, in such case each further re-inspection shall bear an additional fee equal to one-half (½) of the original fee.

**NOW, THEREFORE, BE IT
RESOLVED,** that the Town Clerk of the Town of Lancaster shall:

1. Immediately post a copy of Local Law No. 6 of the Year 2004 on the Town Bulletin Board;
2. Within ten (10) days, publish a certified copy of the Local Law abstract thereof describing the same in general terms in the Lancaster Bee, declared the official newspaper for this publication;
3. Maintain a file in the Town Clerk's Office on Local Law No. 6 of the Year 2004, with all proofs of publication and posting required for adoption; and
4. File certified copies of Local Law No. 6 of the Year 2004 within ten (10) days of adoption with:
 - a) Town Clerk's office
 - b) One (1) copy with the office of the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

File: rlocallawfireinspectionfees1104a

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 6 OF YEAR 2004
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on December 6, 2004, Local Law No. 6 of the Year 2004, entitled "FEES" which repeals and deletes Section 20-5 (C) of Chapter 20 "Fire Prevention and Building Code" and enacts in place thereof a new Section 20-5 (C), briefly described as follows:

"A LOCAL LAW ENTITLED "FEES." WHICH REPEALS SECTION 20-5 (C) OF CHAPTER 20 "FIRE PREVENTION AND BUILDING CODE" OF THE CODE OF THE TOWN OF LANCASTER, AND ENACTS IN PLACE THEREOF A NEW SECTION 20-5 (C),

"THIS LOCAL LAW WILL PROVIDE FOR AN INCREASE IN THE FEES CHARGED BY THE TOWN FOR THE FIRE INSPECTION OF COMMERCIAL OR INDUSTRIAL BUILDING USES."

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

December 6, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the contract between the Town of Lancaster and the Cayuga Club which is the collective bargaining unit representing the Town of Lancaster Police Department provides for a position identified as School Resource Officer (SRO), and

WHEREAS, the Town has previously had an officer assigned in a part-time capacity to this position of SRO, and

WHEREAS, the Town Board has approved an assignment of a SRO officer to be from the Town Police Department to be assigned to the Lancaster Central School District High School on a full-time basis, and

WHEREAS, the Town has authorized the assignment of an officer in a full-time capacity to the school district effective September 1, 2004 with the details of compensation and work schedule to be addressed through a Memorandum of Agreement between the collective bargaining unit and the Town, and

WHEREAS, such a Memorandum of Agreement has now been negotiated and is in a form satisfactory to the Town Board and was approved by the collective bargaining unit;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Memorandum of Understanding negotiated with the collective bargaining unit and authorizes the Supervisor of the Town of Lancaster to execute same on behalf of the Town, and

BE IT FURTHER

RESOLVED, that the Town Board of the Town of Lancaster hereby appoints Officer Keith Kerl to the full-time position of School Resource Officer with the assignment including work schedule compensation and days off to be as set forth in the Memorandum of Agreement entered into and written between the Town and the Cayuga Club which is the collective bargaining unit representing members of the Town Police Department. The assignment with all benefits as provided and all terms and conditions of the Memorandum of Agreement to be retroactive to the appointment date of September 1, 2004.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

File: rSR0agreement1204

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Board after review and consideration has deemed it in the public interest to seek professional engineering services regarding the Lancaster Heritage Trail Project, a project which would construct a 6.66 mile multi-use trail system between Transit Road and Alden Town Line in the Town of Lancaster, Erie County, New York, and

WHEREAS, Bergmann Associates, Inc. has provided a proposal to the Town to provide engineering and consulting services with regard to the above project, and

WHEREAS, after due review and consideration the Town Board of the Town of Lancaster hereby agrees to enter into an agreement for professional engineering services with Bergmann Associates, Inc. for the construction of a 6.66 mile multi-use trail system between Transit Road and Alden Town Line in the Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an agreement with Bergmann Associates, Inc. for services as outlined in a proposal from Bergmann Associates, Inc. at a cost not to exceed \$204,848.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

File: rbergmannassociatesheritagetrailsengineeringservices1204

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 12309 to Claim No. 12609 Inclusive

Total amount hereby authorized to be paid: \$1,859,901.63

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

12466	DDM Building Systems	91 Beach Ave	Er. Pole Barn	(V/L)
12469	Marrano/Marc Equity	25 Ashwood Ct	Er. Dwlg.-Sin.	
12470	Marrano/Marc Equity	8 Avian Way	Er. Dwlg.-Sin.	
12471	Transit-Rehm Assoc.	6363 Transit Rd	Er. Sign-Temp	
12472	Black Hat Chimney	21 Hillside Pky	Er. Fireplace	
12473	Tucker Homes Inc	14 Beatrix Cir	Er. Dwlg.-Sin.	
12474	America Fence	16 Sugarbush Ln	Er. Fence	
12475	Piatkowski, Mathew	22 Riemers Ave	Er. Res. Alt.	
12476	Sikora, Francis	537 Harris Hill Rd	Er. Pole Barn	
12477	Keysa, James	5454 Broadway	Er. Sign	(V/L)
12478	Wilcox Bros Sign Co	4835 Transit Rd	Er. Sign-Wall	
12479	Wilcox Bros Sign Co	4835 Transit Rd	Er. Sign	
12480	Kowalski, Thomas	34 Quail Run Ln	Er. Shed	
12481 SW	Haist, William	53 William Kidder Rd	Er. Dwlg.-Sin.	
12482	Choops, Larry	636 Harris Hill Rd	Er. Garage	
12483	Simme's Restaurant	99 Aurora St	Er. Comm. Alt.	(V/L)
12484	Leisurewood Design	10 Daniel Dr	Er. Deck	
12485	Tucker Homes Inc	28 Beatrix Cir	Er. Dwlg.-Sin.	
12486	Armor Fence Co	3547 Walden Ave	Er. Fence	(V/L)
12487	Picket Fence & Exteriors	235 Warner Rd	Er. Fence	
12488	Augustyniak, David	17 Windcroft Ln	Er. Res. Add.	
12489	Lancaster-Rehm Assoc.	6375 Transit Rd	Er. Comm. Alt.	
12490	Creative Fence Co	103 Pleasant Ave	Er. Fence	(V/L)
12491	Manhattan Bagel	4875 Transit Rd	Er. Sign-Temp	
12492	Rudz, Gary	1 Redlein Dr	Er. Shed	
12493	Marrano/Marc Equity	15 Ashwood Ct	Er. Dwlg.-Sin.	
12494	Marrano/Marc Equity	32 Ashwood Ct	Er. Dwlg.-Sin.	
12495	Premier Fence Co	55 Lake Forest Pky E	Er. Fence	
12496	Forbes Homes Inc	2 Overlook Ct	Er. Dwlg.-Sin.	
12497	Polanowski, Henry	4973 William St	Er. Deck	

12498	Imperial Fence	80 Sturm St	Er. Fence	(V/L)
12499	Wilkinson, Keith	5352 Genesec St	Er. Sign-Temp	
12500	Puskar, Georgianne	31 Harvey Dr	Er. Res. Add.	(V/L)
12501	Grzybek, David	40 Pleasant View Dr	Er. Deck	
12502	Savash, Joseph	475 Lake Ave	Er. Res. Add.	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

File: Rbldg2

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution:

Council Member Ruffino moved to suspend the necessary rules for immediate consideration of the following resolution, seconded by Council Member Montour, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster desires to renew the lease at 11 West Main Street, Lancaster, New York for occupancy by the Building Inspector's office for the year commencing January 1, 2005 and ending December 31, 2005, and

WHEREAS, the Town Attorney has advised the Town Board that the owner Lancaster Village Partnership will agree to a renewal of the current lease with the only change being the rent which will increase from \$1,483.33 per month to \$1,550 per month, and

WHEREAS, the Town Board has duly considered the renewal of this lease to continue the Building Inspector's office in its present location;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute a lease addendum with the Lancaster Village Partnership for renewing the lease at 11 West Main Street for the year commencing January 1, 2005 through December 31, 2005 for occupancy by the Town Building Inspector.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 6, 2004

COMMUNICATIONS & REPORTS:

- 928. Town Clerk to Various News Media -
Notice of SEQR meeting to be held November 16, 2004 at 6:30 PM regarding reopening of site plan review of Tim Horton's Restaurant. DISPOSITION = Received & Filed
- 929. Bluebonnet Consulting Inc to Town Clerk -
Advise ment of application for liquor license renewal for Fox Valley Beverage Corporation. DISPOSITION = Town Attorney
- 930. Town Attorney to Town Board, Planning Board, Town Engineer, Building Inspector -
Notice of SEQR meeting to be held November 16, 2004 at 6:30 PM regarding reopening site plan review of Tim Horton's Restaurant. DISPOSITION = Received & Filed
- 931. Erie County Department of Public Works to Tim Gawenus, P.E. -
Transmittal of letter citing comments regarding proposed Whispering Pines Subdivision. DISPOSITION = Planning Committee
- 932. Todd Szuminski to Town Clerk -
Advise ment of application for liquor license renewal for Savannah's, 4723 Transit Road. DISPOSITION = Town Attorney
- 933. Village of Lancaster, Special Events to Town Board -
Notice of Village of Lancaster Tree Lighting to be held November 27, 2004 from 4:30 PM to 7:30 PM. DISPOSITION = Received & Filed
- 934. Erie County District Attorney to Town Board -
Comments regarding County Executive's proposed 2005 county budget. DISPOSITION = Received & Filed
- 935. Village of Lancaster to Town Board -
Minutes of official meeting held November 8, 2004. DISPOSITION = Received & Filed
- 936. Lee Chowanec to Town Board -
Comments and concerns regarding proposed Pleasant Meadows Subdivision. DISPOSITION = Planning Committee
- 937. Erie County Department of Senior Services to Town Board -
Notification of public forum regarding Medicare Discount Prescription Cards. DISPOSITION = Received & Filed
- 938. Erie County Department of Public Works to Town Board -
Comments regarding County Executive's proposed 2005 County Budget. DISPOSITION = Received & Filed
- 939. Planning Board Chairman to Supervisor -
Report and photos regarding flooding in town due to Hurricane Frances. DISPOSITION = Received & Filed
- 940. General Crew Chief to Planning Board, Council Members Montour, Ruffino, and Stempniak -
No recommendation regarding Site Plan of AJ's Auto Wrecking, 955 Ransom Road, due to lack of landscape plan. DISPOSITION = Planning Committee
- 941. Jeremy A. Colby to Town Board -
Comments and concerns regarding proposed Pleasant Meadows Subdivision. DISPOSITION = Planning Committee
- 942. Donald G. Symer, P.E. to Town Board -
Comments and concerns regarding proposed Pleasant Meadows Subdivision. DISPOSITION = Planning Committee
- 943. Highway Superintendent to Planning Board Chairman -
Notice of no concerns regarding Site Plan Review of AJ's Auto Wrecking, 955 Ransom Road. DISPOSITION = Planning Committee
- 944. Highway Superintendent to Planning Board Chairman -
Notice of no concerns regarding Subdivision Map Approval of Columbia Gardens Subdivision. DISPOSITION = Planning Committee

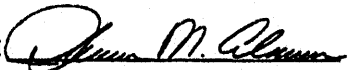
945. Highway Superintendent to Planning Board Chairman -
Notice of no concerns regarding Subdivision Map Approval of Whispering Pines Subdivision.
DISPOSITION = Planning Committee
946. General Crew Chief to Supervisor, Town Board -
Notice of eighth annual "Santa at Westwood" celebration to be held 1:00 PM to 3:00 PM,
Sunday, December 12, 2004. DISPOSITION = Received & Filed
947. General Crew Chief to Supervisor, Town Board -
Request resolution to purchase playground equipment from Miracle Recreation Equipment
Company, the lowest responsible bidder. DISPOSITION = Resolution 12/6/04
948. Town Clerk to Various News Media -
Notice of Municipal Review Committee meeting to be held Monday, December 6, 2004 at 6:30
PM to consider extending the public comment period for the FEIS of Pleasant Meadows
Subdivision. DISPOSITION = Received & Filed
949. Town Engineer to Town Board -
Request resolution to purchase one 40' tower clock with carillon, two street clocks and one
carillon for Town Hall clock tower from Verdin Company. DISPOSITION = Resolution
12/6/04
950. Hatch Mott MacDonald to Town Board -
Minutes of meeting regarding Freeman Road Location Options for proposed Transit Road
reconstruction. DISPOSITION = Received & Filed
951. Town Clerk to Town Board -
Transmittal of monthly report for November 2004. DISPOSITION = Received & Filed
952. Twin District Fire Company to Town Clerk -
Request for change in roster. DISPOSITION = Resolution 12/6/04
953. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Highway
Superintendent, Deputy Town Attorney, Building Inspector -
Draft copy of Planning Board minutes of meeting held December 1, 2004. DISPOSITION =
Received & Filed
954. Planning Board to Town Board -
Recommend approval of Site Plan for AJ's Auto Wrecking, 955 Ransom Road. DISPOSITION
= Planning Committee
955. Erie County Department of Environment & Planning to Town Attorney -
Recommendations regarding the FEIS for proposed Pleasant Meadows Subdivision.
DISPOSITION = Planning Committee
956. NYS DEC to Town Attorney -
Comments regarding the FEIS for proposed Pleasant Meadows Subdivision. DISPOSITION =
Planning Committee
957. NYS Assemblyman Charles H. Nesbitt, Minority Leader NYS Assembly to Town Clerk -
Notice of receipt of resolution regarding Erie County budget and cost of Medicaid.
DISPOSITION = Received & Filed
958. NYS Senator Joseph L. Bruno to Town Clerk -
Letter regarding the disposition of local Justice Court fines in 2004-05 State Budget.
DISPOSITION = Received & Filed
959. Erie County Legislature to Town Board -
Transmittal of resolution supporting implementation of Medicaid reform.
DISPOSITION = Received & Filed
960. NYS DEC to Supervisor -
Letter regarding proposed flood plain map for Town of Lancaster. DISPOSITION = Town
Attorney, Town Engineer
961. Erie County Department of Public Health to Supervisor -
Comments regarding County Executive's proposed 2005 County Budget.
DISPOSITION = Received & Filed
962. Erie County Comptroller to Town Board -
Report regarding apportionment and distribution of Erie County Sales Tax for month of
November. DISPOSITION = Received & Filed

963. NYS Office of Real Property Services to Director, Erie County Real Property Services -
Report of activities of State Office of Real Property Services within Erie County.
DISPOSITION = Received & Filed

964. NYS DEC to Assistant to Supervisor -
Letter of congratulations regarding successful application for Town municipal recycling project
funding. DISPOSITION = Received & Filed

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL
MEMBER AMATURA AND CARRIED,** the meeting was adjourned at 10:31 P.M. in memory of all
those lost at Pearl Harbor, Frank Constantino and Leslie Clark.

Signed 
Johanna M. Coleman, Town Clerk